

ASSEMBLY, No. 3234

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 25, 2020

Sponsored by:

Assemblyman ERIK PETERSON

District 23 (Hunterdon, Somerset and Warren)

SYNOPSIS

Permits counties to establish county-municipal courts with limited, countywide jurisdiction.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT providing for county-municipal courts with limited,
2 countywide jurisdiction, and amending various parts of the
3 statutory law.

4
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

7
8 1. N.J.S.2B:12-1 is amended to read as follows:

9 2B:12-1. Establishment of municipal courts.

10 a. Every municipality shall establish a municipal court. If a
11 municipality fails to maintain a municipal court or does not enter
12 into an agreement pursuant to subsection b. **[or]**, c. or f. of this
13 section, the Assignment Judge of the vicinage shall order violations
14 occurring within its boundaries heard in any other municipal court
15 in the county until such time as the municipality establishes and
16 maintains a municipal court. The municipality without a municipal
17 court shall be responsible for all administrative costs specified in
18 the order of the Assignment Judge pending the establishment of its
19 municipal court.

20 b. Two or more municipalities, by ordinance, may enter into an
21 agreement establishing a single joint municipal court and providing
22 for its administration. A copy of the agreement shall be filed with
23 the Administrative Director of the Courts. As used in **[this act]**
24 N.J.S.2B:12-1 et seq., "municipal court" includes a joint municipal
25 court.

26 c. Two or more municipalities, by ordinance or resolution, may
27 agree to provide jointly for courtrooms, chambers, equipment,
28 supplies and employees for their municipal courts and agree to
29 appoint judges and administrators without establishing a joint
30 municipal court. Where municipal courts share facilities in this
31 manner, the identities of the individual courts shall continue to be
32 expressed in the captions of orders and process.

33 d. An agreement pursuant to subsection b. **[or]**, c. or f. of this
34 section may be terminated as provided in the agreement. If the
35 agreement makes no provision for termination, it may be terminated
36 by any party with reasonable notices and terms as determined by the
37 Assignment Judge of the vicinage.

38 e. (1) Any county of the first class with a population of over
39 900,000 and a population density of less than 4,000 persons per
40 square mile according to the 2010 federal decennial census may
41 establish, by ordinance, a central municipal court, which shall be an
42 inferior court of limited jurisdiction, to adjudicate cases filed by
43 agents of the county health department, agents of the county office
44 of consumer affairs, members of the county police department and
45 force, county park police system, or sheriff's office, or other cases

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 within its jurisdiction referred by the vicinage Assignment Judge
2 pursuant to the Rules of Court, and provide for its administration.
3 A copy of that ordinance shall be filed with the Administrative
4 Director of the Courts. As used in **【this act】** N.J.S.2B:12-1 et seq.,
5 "municipal court" includes a central municipal court.

6 **【f.】** (2) Nothing in P.L.2015, c.103 shall require a county that
7 has established and maintained a central municipal court in
8 accordance with this subsection **【e. of N.J.S.2B:12-1】** prior to the
9 date of the enactment of P.L.2015, c.103 to re-establish that court.

10 (3) On and after the effective date of P.L. , c. (pending
11 before the Legislature as this bill), any county that has established
12 and maintained a central municipal court in accordance with this
13 subsection may, by ordinance, provide for that court to adjudicate
14 all matters for which a county-municipal court has jurisdiction
15 pursuant to subsection f. of this section, and re-designate the court
16 as a central county-municipal court. A copy of that ordinance shall
17 be filed with the Administrative Director of the Courts. As used in
18 N.J.S.2B:12-1 et seq., “municipal court” and “county-municipal
19 court” includes a central county-municipal court.

20 f. (1) Any county may establish, by ordinance, a county-
21 municipal court, which shall be an inferior court of limited
22 jurisdiction, adjudicating all matters for which a municipal court
23 has jurisdiction pursuant to N.J.S.2B:12-17 et seq., as well as any
24 criminal pretrial release and pretrial detention hearings for eligible
25 defendants conducted pursuant to sections 1 through 7 of P.L.2014,
26 c.31 (C.2A:162-15 through 2A:162-21) as referred by the
27 Assignment Judge for the vicinage pursuant to the Rules of Court,
28 and provide for the court’s administration. The ordinance shall
29 indicate an initial date on which the court shall begin hearing
30 matters. A copy of the ordinance shall be filed with the
31 Administrative Director of the Courts. As used in N.J.S.2B:12-1 et
32 seq., “municipal court” includes a county-municipal court.

33 (2) Each municipality in a county that has established a county-
34 municipal court shall agree, by ordinance enacted and implemented
35 no later than two years next following the date on which that court
36 will initially begin hearing matters, to have violations occurring
37 within its boundaries heard in that court. The municipality shall not
38 be responsible for any administrative costs associated with the
39 operation and maintenance of facilities used by the court or its
40 employees. If a municipality fails to agree, within the time period
41 set forth in this paragraph, to have violations heard by the county-
42 municipal court, the Assignment Judge of the vicinage shall order,
43 pursuant to subsection a. of this section, that violations occurring
44 within the municipality’s boundaries be heard in the county-
45 municipal court, and the municipality be responsible for all
46 administrative costs specified in the order until such time as the
47 municipality agrees to have violations heard by that court.

1 (a) If a municipality had previously established a municipal
2 court, the municipality shall, in the ordinance agreeing to have
3 violations heard in the county-municipal court, specify the date on
4 which the previously established municipal court will be abolished
5 and thereafter all violations heard in the county-municipal court.
6 The date set forth in the ordinance shall be no more than one year
7 next following the date on which the ordinance is enacted. It shall
8 not be necessary for each municipality within the territorial
9 jurisdiction of the county-municipal court to establish the same date
10 for abolishing its previously established municipal court and
11 initially having violations heard in the county-municipal court. The
12 county-municipal court may begin hearing matters even though less
13 than all of the municipalities have abolished their municipal courts
14 and begun having cases heard in the county-municipal court.

15 (b) On the date established by a municipality in its ordinance for
16 abolishing a previously established municipal court and initially
17 having violations heard in the county-municipal court:

18 (i) all causes and proceeding of whatever character pending in
19 the municipal court shall be transferred, along with the files for
20 those causes and proceedings, to the county-municipal court; and

21 (ii) all the functions, powers, and duties conferred on the
22 municipal court abolished by the ordinance, to the extent not
23 inconsistent with the functions, powers, and duties of the county-
24 municipal court, shall be transferred to and may be exercised by the
25 county-municipal court.

26 (c) All files for causes and proceedings not transferred to the
27 county-municipal court pursuant to subparagraph (b) of this
28 paragraph, and all books, papers, records, and documents, along
29 with all office equipment, furnishing, and other property of the
30 municipal court abolished by the ordinance shall be disposed of by
31 the municipality in a manner set forth in that ordinance, or one or
32 more subsequent ordinances.

33 (cf: P.L.2015, c.103, s.1)

34
35 2. N.J.S.2B:12-2 is amended to read as follows:

36 2B:12-2. Name of court.

37 The name of a municipal court of a single municipality shall be
38 the "Municipal Court of (insert name of municipality)." The name
39 of a joint municipal court shall be specified in the ordinances
40 establishing the court. The name of a county-municipal court shall
41 be the "County-Municipal Court of (insert name of county)" and
42 shall be specified in the ordinance establishing the court. The name
43 of a central municipal court shall be the "Central Municipal Court
44 of the County of (insert name of county)" and shall be specified in
45 the ordinance establishing the court.

46 (cf: P.L.1996, c.95, s.2)

47
48 3. N.J.S.2B:12-4 is amended to read as follows:

49 2B:12-4. Judge of municipal court; term of office; appointment.

1 a. **【Each】** (1) (a) Except as otherwise provided in this
2 paragraph, each judge of a municipal court shall serve for a term of
3 three years from the date of appointment and until a successor is
4 appointed and qualified.

5 (b) Each judge of a county-municipal court shall serve for a fixed
6 term of five years. A judge of a county-municipal court may serve
7 no more than three consecutive five-year terms. If a judge of a
8 county-municipal court is appointed to complete the remainder of
9 an unexpired term pursuant to paragraph (2) of this subsection, that
10 judge may serve no more than three additional, consecutive five-
11 year terms.

12 (2) Any appointment to fill a vacancy not caused by the
13 expiration of a term shall be made for the unexpired term only.
14 However, if a county or municipality requires by ordinance that the
15 judge of the municipal court devote full time to judicial duties or
16 limit the practice of law to non-litigated matters, the first
17 appointment after the establishment of that requirement shall be for
18 a full term of three years or five years, as applicable.

19 b. In municipalities governed by a mayor-council form of
20 government, the municipal court judge shall be appointed by the
21 mayor with the advice and consent of the council. Each judge of a
22 joint municipal court shall be nominated and appointed by the
23 Governor with the advice and consent of the Senate. In all other
24 municipalities, the municipal judge shall be appointed by the
25 governing body of the municipality.

26 c. In a county that has established a central municipal court,
27 the judge of the central municipal court shall be nominated and
28 appointed by the Governor with the advice and consent of the
29 Senate. In those counties having a county executive, the county
30 executive may submit the names of judicial candidates for judge of
31 the central municipal court to the Governor. In all other counties,
32 the governing body may submit the names of judicial candidates for
33 judge of the central municipal court to the Governor.

34 d. In a county that has established a county-municipal court,
35 the judge of the county-municipal court shall be nominated and
36 appointed by the Governor with the advice and consent of the
37 Senate. In those counties having a county executive, the
38 Governor's nominee shall be selected from a list of three names to
39 be considered for judge of the county-municipal court submitted by
40 the county executive to the Governor. In all other counties, the
41 Governor's nominee shall be selected from a list of three names to
42 be considered for judge of the county-municipal court submitted by
43 the governing body of the county to the Governor.

44 (cf: P.L.1996, c.95, s.3)

45
46 4. N.J.S.2B:12-10 is amended to read as follows:

47 2B:12-10. Municipal court administrator and personnel. a. **【A】**
48 (1) Except as provided in paragraph (2) of this subsection, a county
49 or municipality shall provide for an administrator and other

1 necessary employees for the municipal court and for their
2 compensation. With approval of the Supreme Court, an employee
3 of the county or municipality, in addition to other duties, may be
4 designated to serve as administrator of the municipal court.

5 (2) A county with a county-municipal court may provide for an
6 administrator and other necessary employees for the county-
7 municipal court and for their compensation, or may permit, by
8 agreement with the Administrative Office of the Courts, for that
9 court's operation by employees and staff of the Superior Court
10 working in the same facility in which the county-municipal court is
11 located, as required by N.J.S.2B:12-15.

12 b. The judge of a municipal court may designate in writing an
13 acting administrator or deputy administrator to serve temporarily
14 for an absent administrator or deputy administrator until the absent
15 administrator or deputy administrator returns or a new administrator
16 or deputy administrator is appointed. The acting administrator or
17 acting deputy administrator shall be paid at a rate established by the
18 judge but not exceeding that established for the administrator or
19 deputy administrator.

20 (cf: P.L.1996, c.95, s.9)

21
22 5. N.J.S.2B:12-15 is amended to read as follows:

23 2B:12-15. Courtrooms and equipment.

24 Suitable courtrooms, chambers, offices, equipment and supplies
25 for the municipal court, its administrator's office and its violations
26 bureau shall be provided by the municipality, or by a county that
27 has established a central municipal court. A county that has
28 established a county-municipal court shall provide one or more
29 suitable courtrooms, chambers, offices, equipment and supplies for
30 the county-municipal court in the same facility where it supplies,
31 pursuant to N.J.S.2B:6-1, these items for the processing and
32 decision of cases from that county in the Law Division and the
33 Family Part of the Chancery Division of the Superior Court.

34 (cf: P.L.1996, c.95, s.10)

35
36 6. N.J.S.2B:12-16 is amended to read as follows:

37 2B:12-16. Territorial jurisdiction.

38 a. A municipal court of a single municipality shall have
39 jurisdiction over cases arising within the territory of that
40 municipality except as provided in section 10 of P.L.1997, c.357
41 (C.27:25-5.15). A joint municipal court shall have jurisdiction over
42 cases arising within the territory of any of the municipalities which
43 the court serves. The territory of a municipality includes any
44 premises or property located partly in and partly outside of the
45 municipality. A county-municipal court or central municipal court
46 shall have jurisdiction over cases arising within the territorial
47 boundaries of the county.

48 b. A municipal court judge, serving as an acting judge in any
49 other municipal court in the county, may also hear matters arising

1 out of that other court, while sitting in the court where the acting
2 judge holds a regular appointment.

3 (cf: P.L.1997, c.357, s.13)

4
5 7. Section 14 of P.L.1996, c.95 (C.2B:12-27) is amended to
6 read as follows:

7 14. **【The】** a. Except as provided in subsection b. of this section,
8 the governing body of the county or municipality may employ an
9 attorney-at-law as a prosecutor, under the supervision of the
10 Attorney General or county prosecutor, who may represent the
11 State, county or municipality in any matter within the jurisdiction of
12 the central municipal court or any other municipal court in
13 accordance with the provisions of P.L.1999, c.349 (C.2B:25-
14 1 et al.).

15 b. The county prosecutor shall represent the State, the county,
16 or the municipality in the prosecution of all offenses and
17 proceedings within the jurisdiction of the county-municipal court.
18 The county prosecutor shall act in accordance with the provisions of
19 P.L.1999, c.349 (C.2B:25-1 et al.).

20 (cf: P.L.1999, c.349, s.11)

21
22 8. N.J.S.2B:12-30 is amended to read as follows:

23 2B:12-30. Automated Traffic System Fund.

24 a. The Legislature finds and declares that there is a need to
25 improve the management, efficiency and effectiveness of municipal
26 court operations and quality of justice by providing funds:

27 (1) To be utilized by the Administrative Office of the Courts to
28 design, equip, operate and maintain a standardized, Statewide
29 computer system, including integrated traffic ticket control, court
30 financial accounting, case processing, statistical reporting services
31 and other components necessary to automate municipal court
32 operations; and

33 (2) To ensure the smooth exchange of automated information
34 among the Judiciary, the **【Division of】** Motor **【Vehicles】** Vehicle
35 Commission, law enforcement agencies, other public or quasi-
36 public agencies, or those autonomous systems approved by the
37 Administrative Office of the Courts pursuant to subsection d. of this
38 section.

39 b. In order to accomplish these purposes, there is created the
40 "Automated Traffic System Fund." The fund shall be a dedicated
41 fund within the General Fund and administered by the
42 Administrative Office of the Courts. The fund shall be the
43 depository of moneys realized from **【the \$1.00 surcharge imposed**
44 **pursuant to section 6 of P.L.1990, c.95 (C.2A:8-21.1),】** the \$2.00
45 court cost assessment imposed pursuant to subsection a. of
46 N.J.S.22A:3-4 and any other moneys made available for the
47 purposes of the fund.

1 c. The Supreme Court may issue Rules of Court to effectuate
2 the purposes of this act.

3 d. Nothing in this section shall be deemed to prevent a
4 municipality or county, at its own expense, from maintaining or
5 obtaining and using an autonomous computer system for integrated
6 traffic ticket control, court financial accounting, case processing,
7 statistical reporting services and other components necessary to
8 automate municipal court operations that interconnects with the
9 Automated Traffic System, its components and computer network,
10 upon the approval of the Administrative Office of the Courts, in
11 accordance with the following:

12 (1) An autonomous system shall only be approved for
13 interconnection with the Automated Traffic System (ATS) when it
14 meets all technical interconnection requirements, standardized data
15 definitions and functionality of the Automated Traffic System,
16 including its criminal and ordinance violation components,
17 necessary to: fully automate municipal court operations in
18 accordance with law, court rule or administrative directive;
19 maintain and update on-line the standardized Statewide data base
20 and its electronic traffic and criminal warrant components; and
21 provide for on-line inquiry and exchange of automated data,
22 consistent with the purposes expressed in subsection a. of this
23 section.

24 (2) A municipality or county that obtains and uses an
25 autonomous system, approved for interconnection with the
26 Automated Traffic System, shall retain, from the date of
27 interconnection, one-half the full amount of that portion of the court
28 cost assessment imposed and collected on and after that date for
29 payment into the Automated Traffic System Fund, pursuant to
30 subsection a. of N.J.S.22A:3-4. The retained court cost assessment
31 shall be used by the municipality or county to offset the operating
32 costs of its autonomous system, including costs to maintain
33 compliance with the interconnection requirements of the Automated
34 Traffic System. A municipality or county shall be entitled only to
35 retain those court cost assessments for as long as its autonomous
36 system continues to meet the update and other requirements of
37 paragraph (1) of subsection d. of this section.

38 (3) That portion of the court cost assessment, imposed pursuant
39 to subsection a. of N.J.S.22A:3-4 and retained by the State, shall be
40 used for the purposes described in subsection a. of this section
41 including: the State's costs, within the Automated Traffic System,
42 of developing and maintaining interconnection with an autonomous
43 system; the maintenance, improvement and updating of the
44 Automated Traffic System, its components and the standardized
45 Statewide data base; and the procurement and maintenance of hand-
46 held data entry devices and related equipment for use by parking
47 authorities or parking agencies who choose to be directly serviced
48 by the Automated Traffic System. The Administrative Office of the
49 Courts may obtain either directly, through the Statewide master

1 contract process, or as otherwise provided by law, automation
2 services or equipment including hand-held, ticket-issuing devices
3 and printers for use by those parking authorities or parking agencies
4 to facilitate the exchange of automated information and maintain
5 the efficiency of the standardized Statewide computer system.

6 (4) An autonomous computer system used by a municipality
7 shall be interconnected with the Automated Traffic System and its
8 components by January 1, 1997. An autonomous computer system
9 used by a county that establishes a county-municipal court pursuant
10 to N.J.S.2B:12-1 shall be interconnected with the Automated
11 Traffic System and its components by the fourth anniversary next
12 following the date of the court's establishment. The Administrative
13 Office of the Courts shall, at no cost to the municipality or county,
14 install and maintain the telecommunication line and the court's
15 modem to permit the municipal court to provide for the on-line
16 exchange of automated information with the Automated Traffic
17 System and its components. The Administrative Office of the
18 Courts shall maintain sufficient capacity on its mainframe computer
19 to incorporate the standardized data of that municipal court into the
20 Statewide record system, including the Statewide traffic and
21 criminal warrant systems. Any municipality that fails to maintain
22 and use an autonomous computer system that meets the
23 requirements of this subsection by January 1, 1997 shall be
24 implemented on ATS directly. Any county that fails to maintain
25 and use an autonomous computer system that meets the
26 requirements of this subsection by the fourth anniversary next
27 following the establishment date of that county's county-municipal
28 court shall be implemented on ATS directly. After **[that date]**
29 those dates, municipal courts operating on ATS retain full
30 discretion to either continue on ATS or subsequently obtain and use
31 an autonomous system approved for interconnection.

32 (5) Nothing in this section shall preclude the Administrative
33 Office of the Courts from immediately terminating, on an
34 emergency basis, without notice, any interconnection with an
35 autonomous system whose continued operation at any time
36 immediately threatens or has compromised the security or data
37 integrity of the Automated Traffic System, any of its components or
38 any of the public and quasi-public agencies that exchange
39 automated information with the Automated Traffic System,
40 pursuant to paragraph (2) of subsection a. of this section. The
41 municipality or county shall immediately be provided with written
42 reasons for the termination, which shall continue until the threats to
43 security and data integrity have been removed.

44 (6) **[If there is any disagreement between the municipality and**
45 **the Administrative Office of the Courts concerning the standards for**
46 **the exchange of automated information set forth in this section, the**
47 **municipality or the Administrative Office of the Courts may seek**
48 **the advice of the New Jersey Information Resources Management**
49 **Commission established pursuant to P.L.1993, c. 199 (C.52:9XX-1**

1 et seq.).~~】 (Deleted by amendment, P.L. , c.) (pending before the~~
2 Legislature as this bill)

3 (7) Any municipal ~~or county~~ contract related to the operation of
4 an autonomous computer system shall be subject to review, audit
5 and the policies of the Division of Local Government Services in
6 accordance with ~~【N.J.S.40A:11-1 et seq. including the auditing~~
7 standards of the Division of Local Government Services relating to
8 the processing of transactions by servicing organizations pursuant
9 to section 6 of P.L.1972, c.112 (C.40A:11-12.6)~~】 P.L.1971, c.198~~
10 (C.40A:11-1 et seq.). All contracts between municipalities ~~or~~
11 counties and private service providers shall require compliance with
12 the provisions of this section.

13 (8) The Administrative Office of the Courts shall promulgate
14 administrative procedures necessary to accomplish the purposes of
15 this subsection.

16 e. By April 1, 1996, a special committee shall be established to
17 review the adequacy of funding for the Automated Traffic System
18 and the Automated Complaint System and the extent to which
19 autonomous computer system interconnections have been requested
20 and successfully completed. The committee may recommend to
21 what extent, if any, the funding level should be adjusted and the
22 need for any further legislative action. The special committee shall
23 be comprised of seven members as follows: one Senator appointed
24 by the President of the Senate; one member of the General
25 Assembly appointed by the Speaker of the General Assembly; the
26 Director of the Administrative Office of the Courts or his designee;
27 the president of the New Jersey League of Municipalities or his
28 designee; the president of the New Jersey Municipal Court
29 Administrators Association or his designee; the president of the
30 New Jersey Municipal Managers Association or his designee and
31 the president of the New Jersey Association of Parking Authorities
32 and Agencies or his designee. The committee shall report its
33 findings to the Legislature by September 30, 1996.

34 (cf: N.J.S.2B:12-30)

35
36 9. Section 2 of P.L.1999, c.349 (C.2B:25-2) is amended to read
37 as follows:

38 2. As used in this act:

39 a. "Municipal prosecutor" means: (1) a person appointed to
40 prosecute all offenses over which the municipal court has
41 jurisdiction; or (2) the county prosecutor in any county that has
42 established a county-municipal court.

43 b. "Governing body" of a county or municipality means the
44 officer or body that is the appropriate appointing authority for
45 county counsel, municipal attorney or corporation counsel under the
46 laws applicable to the form of county or municipal government
47 established in the county or municipality pursuant to law, provided
48 that the municipal corporation counsel shall be the appointing

1 authority in any city of the first class with a population greater than
2 270,000, according to the latest federal decennial census and in any
3 city of the second class with a population of greater than 30,000 but
4 less than 43,000, according to the latest decennial census, which
5 city of the second class is located in a county of the first class with
6 a population less than 600,000 according to the latest federal
7 decennial census.

8 c. "Municipal court" means any municipal ~~joint~~ joint
9 municipal, county-municipal, or central municipal court established
10 pursuant to statute.

11 d. "Attorney General" includes the Attorney General of New
12 Jersey and any assistants or deputies who may be designated to
13 carry out the responsibilities conferred on the Attorney General by
14 this act or the laws of this State.

15 e. "County prosecutor" shall mean the prosecutor of the county
16 in which the municipal court is situated and any assistant
17 prosecutors of that county who may be designated by this act.

18 (cf: P.L.1999, c.349, s.2)

19
20 10. Section 4 of P.L.1999, c.349 (C.2B:25-4) is amended to read
21 as follows:

22 4. a. Each municipal court in this State, other than a county-
23 municipal court, shall have at least one municipal prosecutor
24 appointed by the governing body of the municipality, municipalities
25 or county in accordance with applicable laws, ordinances and
26 resolutions. The county prosecutor shall act as the municipal
27 prosecutor to prosecute all offenses over which a county-municipal
28 court has jurisdiction.

29 b. **[A]** An appointed municipal prosecutor shall be an attorney-
30 at-law of this State in good standing, and shall serve for a term of
31 one year from the date of his or her appointment, except as
32 determined by the governing body of a county or a city of the first
33 class with a population greater than 270,000, according to the latest
34 federal decennial census, or the governing body of a city of the
35 second class with a population of greater than 30,000 but less than
36 43,000, according to the latest decennial census, which city of the
37 second class is located in a county of the first class with a
38 population less than 600,000 according to the latest federal
39 decennial census, and may continue to serve in office pending re-
40 appointment or appointment of a successor. A municipal prosecutor
41 may be appointed to that position in one or more municipal courts.
42 The provisions of this act shall apply to each such position held.

43 c. (1) A municipal prosecutor of a joint municipal court shall
44 be appointed upon the concurrence of the governing bodies of each
45 of the municipalities in accordance with applicable laws, ordinances
46 or resolutions.

47 (2) A municipal prosecutor of a central municipal court shall be
48 appointed by the governing body of the county.

1 d. **【Municipal】** Appointed municipal prosecutors shall be
2 compensated either on an hourly, per diem, annual or other basis as
3 the county, municipality or municipalities provide. In the case of a
4 joint municipal court, municipalities shall, by similar ordinances,
5 enter into an agreement fixing the compensation of the municipal
6 prosecutor and providing for its payment. In the case of a central
7 municipal court, the county shall fix the compensation of the
8 municipal prosecutor and provide for its payment.

9 The compensation of appointed municipal prosecutors shall be in
10 lieu of any and all other fees; provided, however that when a
11 municipal prosecutor is assigned to prosecute a de novo appeal in
12 the Superior Court, the prosecutor shall be entitled to additional
13 compensation unless the municipality expressly provides otherwise
14 at the time the compensation is fixed.

15 e. In accordance with applicable laws, ordinances and
16 resolutions, a municipality may appoint additional municipal
17 prosecutors as necessary to administer justice in a timely and
18 effective manner in its municipal court. Such appointments shall be
19 subject to this act. This subsection also applies to joint municipal
20 courts and central municipal courts.

21 f. Any municipal court having two or more municipal
22 prosecutors shall have a "chief municipal prosecutor" who shall be
23 appointed by the governing body of the county or the municipality.
24 The chief municipal prosecutor of a joint municipal court shall be
25 appointed upon the concurrence of the governing bodies of each
26 municipality. The chief municipal prosecutor shall have authority
27 over other prosecutors serving that court with respect to the
28 performance of their duties.

29 g. (1) Nothing in this act shall affect the appointment of
30 municipal attorneys in accordance with N.J.S.40A:9-139; provided,
31 however, that a person appointed to the positions of both municipal
32 prosecutor and municipal attorney shall be subject to all of the
33 provisions of this act while serving in the capacity of municipal
34 prosecutor.

35 (2) In addition to any other duties proscribed by the provisions
36 of this act, a person serving as both a municipal prosecutor and a
37 municipal attorney may prosecute county or municipal ordinance
38 violations.

39 (cf: P.L.1999, c.349, s.4)

40
41 11. Section 3 of P.L.1979, c.396 (C.2C:46-4) is amended to read
42 as follows:

43 3. a. All fines, assessments imposed pursuant to section 2 of
44 P.L.1979, c.396 (C.2C:43-3.1), all penalties imposed pursuant to
45 section 1 of P.L.1999, c.295 (C.2C:43-3.5), all penalties imposed
46 pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6), all penalties
47 imposed pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10), all
48 penalties imposed pursuant to section 1 of P.L.2009, c.143
49 (C.2C:43-3.8), all penalties imposed pursuant to section 7 of

1 P.L.2013, c.214 (C.30:4-123.97) and restitution shall be collected as
2 follows:

3 (1) All fines, assessments imposed pursuant to section 2 of
4 P.L.1979, c.396 (C.2C:43-3.1), all penalties imposed pursuant to
5 section 1 of P.L.1999, c.295 (C.2C:43-3.5), all penalties imposed
6 pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6), all penalties
7 imposed pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10), all
8 penalties imposed pursuant to section 1 of P.L.2009, c.143
9 (C.2C:43-3.8), all penalties imposed pursuant to section 7 of
10 P.L.2013, c.214 (C.30:4-123.97) and restitution imposed by the
11 Superior Court or otherwise imposed at the county level, shall be
12 collected by the county probation division except when such fine,
13 assessment or restitution is imposed in conjunction with a custodial
14 sentence to a State correctional facility or in conjunction with a
15 term of incarceration imposed pursuant to section 25 of P.L.1982,
16 c.77 (C.2A:4A-44) in which event such fine, assessment or
17 restitution shall be collected by the Department of Corrections or
18 the Juvenile Justice Commission established pursuant to section 2
19 of P.L.1995, c.284 (C.52:17B-170). An adult prisoner of a State
20 correctional institution or a juvenile serving a term of incarceration
21 imposed pursuant to section 25 of P.L.1982, c.77 (C.2A:4A-44)
22 who has not paid an assessment imposed pursuant to section 2 of
23 P.L.1979, c.396 (C.2C:43-3.1), a penalty imposed pursuant to
24 section 1 of P.L.1999, c.295 (C.2C:43-3.5), a penalty imposed
25 pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10), a penalty
26 imposed pursuant to section 1 of P.L.2009, c.143 (C.2C:43-3.8), a
27 penalty imposed pursuant to section 7 of P.L.2013, c.214 (C.30:4-
28 123.97) or restitution shall have the assessment, penalty, fine or
29 restitution deducted from any income the inmate receives as a result
30 of labor performed at the institution or on any type of work release
31 program or, pursuant to regulations promulgated by the
32 Commissioner of the Department of Corrections or the Juvenile
33 Justice Commission, from any personal account established in the
34 institution for the benefit of the inmate.

35 (a) A payment of restitution collected by the Department of
36 Corrections pursuant to this paragraph shall be maintained by the
37 department for two years during which the department shall attempt
38 to locate the victim to whom the restitution is owed. If the
39 department has not located the victim and the victim has not come
40 forward to claim the payment within this two-year period, the
41 payment shall be transferred to the Victims of Crime Compensation
42 Office Account to be used in satisfying claims pursuant to the
43 provisions of the "Criminal Injuries Compensation Act of 1971,"
44 P.L.1971, c.317 (C.52:4B-1 et seq.).

45 (b) If the Department of Corrections has transferred a payment
46 of restitution to the Victims of Crime Compensation Office
47 pursuant to subparagraph (a) of this paragraph, the department shall
48 provide the office with the order for restitution and any other
49 information regarding the identity of the victim to whom the

1 payment is owed. The office shall be responsible for maintaining
2 this information and for distributing payments of restitution to
3 victims who can prove they are owed the payments.

4 (2) All fines, assessments imposed pursuant to section 2 of
5 P.L.1979, c.396 (C.2C:43-3.1), any penalty imposed pursuant to
6 section 1 of P.L.1999, c.295 (C.2C:43-3.5) and restitution imposed
7 by a municipal court shall be collected by the municipal court
8 administrator, except if such fine, assessments imposed pursuant to
9 section 2 of P.L.1979, c.396 (C.2C:43-3.1), or restitution is ordered
10 as a condition of probation, in which event it shall be collected by
11 the county probation division.

12 b. Except as provided in subsection c. of this section with
13 respect to fines imposed on appeals following convictions in
14 municipal courts and except as provided in subsection i. of this
15 section with respect to restitution imposed under the provisions of
16 P.L.1997, c.253 (C.2C:43-3.4 et al.), all fines imposed by the
17 Superior Court or otherwise imposed at the county level, shall be
18 paid over by the officer entitled to collect same to:

19 (1) The county treasurer with respect to fines imposed on
20 defendants who are sentenced to and serve a custodial term,
21 including a term as a condition of probation, in the county jail,
22 workhouse or penitentiary except where such county sentence is
23 served concurrently with a sentence to a State institution; or

24 (2) The State Treasurer with respect to all other fines.

25 c. All fines imposed by municipal courts, except a county-
26 municipal court or central municipal court established pursuant to
27 N.J.S.2B:12-1, on defendants convicted of crimes, disorderly
28 persons offenses and petty disorderly persons offenses, and all fines
29 imposed following conviction on appeal therefrom, and all
30 forfeitures of bail shall be paid over by the officer entitled to collect
31 same to the treasury of the municipality wherein the municipal
32 court is located.

33 In the case of an intermunicipal court, other than a county-
34 municipal court, fines shall be paid into the municipal treasury of
35 the municipality in which the offense was committed, and costs,
36 fees, and forfeitures of bail shall be apportioned among the several
37 municipalities to which the court's jurisdiction extends according to
38 the ratios of the municipalities' contributions to the total expense of
39 maintaining the court.

40 In the case of a county-municipal court, established by a county
41 and agreed to by the municipalities of that county pursuant to
42 N.J.S.2B:12-1, all costs, fines, fees and forfeitures of bail shall be
43 paid into the county treasury of the county where the county-
44 municipal court is located, to defray the cost of operating the
45 county-municipal court.

46 In the case of a central municipal court, established by a county
47 pursuant to N.J.S.2B:12-1, all costs, fines, fees and forfeitures of
48 bail shall be paid into the county treasury of the county where the
49 central municipal court is located.

1 d. All assessments imposed pursuant to section 2 of P.L.1979,
2 c.396 (C.2C:43-3.1) shall be forwarded and deposited as provided
3 in that section.

4 e. All mandatory Drug Enforcement and Demand Reduction
5 penalties imposed pursuant to N.J.S.2C:35-15 shall be forwarded
6 and deposited as provided for in that section.

7 f. All forensic laboratory fees assessed pursuant to
8 N.J.S.2C:35-20 shall be forwarded and deposited as provided for in
9 that section.

10 g. All restitution ordered to be paid to the Victims of Crime
11 Compensation Office pursuant to N.J.S.2C:44-2 shall be forwarded
12 to the office for deposit in the Victims of Crime Compensation
13 Office Account.

14 h. All assessments imposed pursuant to section 11 of P.L.1993,
15 c.220 (C.2C:43-3.2) shall be forwarded and deposited as provided
16 in that section.

17 i. All restitution imposed on defendants under the provisions
18 of P.L.1997, c.253 (C.2C:43-3.4 et al.) for costs incurred by a law
19 enforcement entity in extraditing the defendant from another
20 jurisdiction shall be paid over by the officer entitled to collect same
21 to the law enforcement entities which participated in the extradition
22 of the defendant.

23 j. All penalties imposed pursuant to section 1 of P.L.1999,
24 c.295 (C.2C:43-3.5) shall be forwarded and deposited as provided
25 in that section.

26 k. All penalties imposed pursuant to section 11 of P.L.2001,
27 c.81 (C.2C:43-3.6) shall be forwarded and deposited as provided in
28 that section.

29 l. All mandatory penalties imposed pursuant to section 1 of
30 P.L.2005, c.73 (C.2C:14-10) shall be forwarded and deposited as
31 provided in that section.

32 m. All mandatory Computer Crime Prevention penalties
33 imposed pursuant to section 1 of P.L.2009, c.143 (C.2C:43-3.8)
34 shall be forwarded and deposited as provided in that section.

35 n. All mandatory Sex Offender Supervision penalties imposed
36 pursuant to section 7 of P.L.2013, c.214 (C.30:4-123.97) shall be
37 forwarded and deposited as provided in that section.

38 (cf: P.L.2015, c.55, s.1)

39
40 12. R.S.39:5-41 is amended to read as follows:

41 39:5-41. a. All fines, penalties and forfeitures imposed and
42 collected under authority of law for any violations of R.S.39:4-63
43 and R.S.39:4-64 shall be forwarded by the judge to whom the same
44 have been paid to the proper financial officer of a county, if the
45 violation occurred within the jurisdiction of that county's county-
46 municipal court or central municipal court **[.]** established pursuant
47 to N.J.S.2B:12-1 et seq., or the municipality wherein the violation
48 occurred, to be used by the county or municipality to help finance

1 litter control activities in addition to or supplementing existing litter
2 pickup and removal activities in the municipality.

3 b. Except as otherwise provided by subsection a. of this
4 section, all fines, penalties and forfeitures imposed and collected
5 under authority of law for any violations of the provisions of this
6 Title, other than those violations in which the complaining witness
7 is the chief administrator, a member of his staff, a member of the
8 State Police, a member of a municipal or county police department
9 and force, a county park police system, or a sheriff's office in a
10 county that has established a county-municipal court or central
11 municipal court, an inspector of the Board of Public Utilities, or a
12 law enforcement officer of any other State agency, shall be
13 forwarded by the judge to whom the same have been paid as
14 follows: one-half of the total amount collected to the financial
15 officer, as designated by the local governing body, of the respective
16 municipalities wherein the violations occurred, to be used by the
17 municipality for general municipal use and to defray the cost of
18 operating the municipal court; and one-half of the total amount
19 collected to the proper financial officer of the county wherein they
20 were collected, to be used by the county as a fund for the
21 construction, reconstruction, maintenance and repair of roads and
22 bridges, snow removal, the acquisition and purchase of rights-of-
23 way, and the purchase, replacement and repair of equipment for use
24 on said roads and bridges therein. Up to 25% of the money
25 received by a municipality pursuant to this subsection, but not more
26 than the actual amount budgeted for the municipal court, whichever
27 is less, may be used to upgrade case processing.

28 All fines, penalties and forfeitures imposed and collected under
29 authority of law for any violations of the provisions of this Title, in
30 which the complaining witness is a member of a municipal or
31 county police department and force, a county park police system, or
32 a county sheriff's office in a county that has established a county-
33 municipal court, shall be forwarded by the judge to whom the same
34 have been paid to the financial officer, designated by the governing
35 body of the county, to defray the cost of operating the county-
36 municipal court.

37 All fines, penalties and forfeitures imposed and collected under
38 authority of law for any violations of the provisions of this Title, in
39 which the complaining witness is a member of a county police
40 department and force, a county park police system, or a county
41 sheriff's office in a county that has established a central municipal
42 court, shall be forwarded by the judge to whom the same have been
43 paid to the financial officer, designated by the governing body of
44 the county, for all violations occurring within the jurisdiction of that
45 court, to be used for general county use and to defray the cost of
46 operating the central municipal court.

47 Whenever any county has deposited moneys collected pursuant
48 to this section in a special trust fund in lieu of expending the same
49 for the purposes authorized by this section, it may withdraw from

1 said special trust fund in any year an amount which is not in excess
2 of the amount expended by the county over the immediately
3 preceding three-year period from general county revenues for said
4 purposes. Such moneys withdrawn from the trust fund shall be
5 accounted for and used as are other general county revenues.

6 c. (Deleted by amendment, P.L.1993, c.293.)

7 d. Notwithstanding the provisions of subsections a. and b. of
8 this section, \$1 shall be added to the amount of each fine and
9 penalty imposed and collected through a court under authority of
10 any law for any violation of the provisions of Title 39 of the
11 Revised Statutes or any other motor vehicle or traffic violation in
12 this State and shall be forwarded by the person to whom the same
13 are paid to the State Treasurer. In addition, upon the forfeiture of
14 bail, \$1 of that forfeiture shall be forwarded to the State Treasurer.
15 The State Treasurer shall annually deposit those moneys so
16 forwarded in the "Body Armor Replacement" fund established
17 pursuant to section 1 of P.L.1997, c.177 (C.52:17B-4.4). Beginning
18 in the fiscal year next following the effective date of this act, the
19 State Treasurer annually shall allocate from those moneys so
20 forwarded an amount not to exceed \$400,000 to the Department of
21 the Treasury to be expended exclusively for the purposes of funding
22 the operation of the "Law Enforcement Officer Crisis Intervention
23 Services" telephone hotline established and maintained under the
24 provisions of sections 115 and 116 of P.L.2008, c.29 (C.26:2NN-1
25 and C.26:2NN-2).

26 e. Notwithstanding the provisions of subsections a. and b. of
27 this section, \$1 shall be added to the amount of each fine and
28 penalty imposed and collected through a court under authority of
29 any law for any violation of the provisions of Title 39 of the
30 Revised Statutes or any other motor vehicle or traffic violation in
31 this State and shall be forwarded by the person to whom the same
32 are paid to the State Treasurer. The State Treasurer shall annually
33 deposit those moneys so forwarded in the "New Jersey Spinal Cord
34 Research Fund" established pursuant to section 9 of P.L.1999, c.201
35 (C.52:9E-9). In order to comply with the provisions of Article VIII,
36 Section II, paragraph 5 of the State Constitution, a municipal or
37 county agency which forwards moneys to the State Treasurer
38 pursuant to this subsection may retain an amount equal to 2% of the
39 moneys which it collects pursuant to this subsection as
40 compensation for its administrative costs associated with
41 implementing the provisions of this subsection.

42 f. Notwithstanding the provisions of subsections a. and b. of
43 this section, \$1 shall be added to the amount of each fine and
44 penalty imposed and collected through a court under authority of
45 any law for any violation of the provisions of Title 39 of the
46 Revised Statutes or any other motor vehicle or traffic violation in
47 this State and shall be forwarded by the person to whom the same
48 are paid to the State Treasurer. The State Treasurer shall annually
49 deposit those moneys so forwarded in the "Autism Medical

1 Research and Treatment Fund" established pursuant to section 1 of
2 P.L.2003, c.144 (C.30:6D-62.2).

3 g. Notwithstanding the provisions of subsections a. and b. of
4 this section, \$3 shall be added to the amount of each fine and
5 penalty imposed and collected by a court under authority of any law
6 for any violation of the provisions of Title 39 of the Revised
7 Statutes or any other motor vehicle or traffic violation in this State
8 and shall be forwarded by the person to whom the same are paid to
9 the State Treasurer. The State Treasurer shall annually deposit
10 those moneys so forwarded in the "New Jersey Forensic DNA
11 Laboratory Fund" established pursuant to section 7 of P.L.2003,
12 c.183 (C.53:1-20.28a). Prior to depositing the moneys into the
13 fund, the State Treasurer shall forward to the Administrative Office
14 of the Courts an amount not to exceed \$475,000 from moneys
15 initially collected pursuant to this subsection to be used exclusively
16 to establish a collection mechanism and to provide funding to
17 update the Automated Traffic System Fund created pursuant to
18 N.J.S.2B:12-30 to implement the provisions of this subsection.

19 h. Notwithstanding the provisions of subsections a. and b. of
20 this section, \$1 shall be added to the amount of each fine and
21 penalty imposed and collected under authority of any law for any
22 violation of the provisions of Title 39 of the Revised Statutes or any
23 other motor vehicle or traffic violation in this State and shall be
24 forwarded by the person to whom the same are paid to the State
25 Treasurer. The State Treasurer shall annually deposit those moneys
26 so forwarded in the "New Jersey Brain Injury Research Fund"
27 established pursuant to section 9 of P.L.2003, c.200 (C.52:9EE-9).
28 The Administrative Office of the Courts may retain an amount
29 equal to \$475,000 from the moneys which it initially collects
30 pursuant to this subsection, prior to depositing any moneys in the
31 "New Jersey Brain Injury Research Fund," in order to meet the
32 expenses associated with utilizing the Automated Traffic System
33 Fund created pursuant to N.J.S.2B:12-30 to implement the
34 provisions of this subsection and serve other statutory purposes.

35 i. Notwithstanding the provisions of subsections a. and b. of
36 this section, all fines and penalties imposed and collected under
37 authority of law for any violation related to the unlawful operation
38 or the sale of a vehicle under section 1 of P.L.1955, c.53 (C.39:3-
39 17.1) shall be forwarded by the judge to whom the same have been
40 paid to the State Treasurer, if the complaining witness is the chief
41 administrator, a member of his staff, a member of the State Police,
42 an inspector of the Board of Public Utilities, or a law enforcement
43 officer or other official of any other State agency; or, if the
44 complaining witness is not one of the foregoing, one-half to the
45 chief financial officer of the county and one-half to the chief
46 financial officer of the municipality wherein the violation occurred.
47 (cf: P.L.2018, c.47, s.4)

1 13. Section 10 of P.L.1997, c.357 (C.27:25-5.15) is amended to
2 read as follows:

3 10. A complaint for a violation of any of the provisions of this
4 act may be filed with a court having jurisdiction, at any time within
5 one year after the commission of the violation. When a person has
6 been charged with a violation of this act and summoned to appear,
7 upon failure to appear, in addition to any other provisions of law or
8 the Rules Governing the Courts of the State of New Jersey, a
9 warrant for the arrest of the person may issue. All proceedings
10 shall be brought before a municipal, joint municipal, county-
11 municipal, or central municipal court having jurisdiction in the
12 municipality in which it is alleged that the violation occurred, but
13 when a violation occurs on a moving conveyance operated by the
14 corporation through two or more municipalities, then the
15 proceeding may be brought before the court having jurisdiction in
16 any one of the municipalities through which the conveyance has
17 traversed.

18 (cf: P.L.1997, c.357, s.10)

19
20 14. Section 11 of P.L.1997, c.357 (C.27:25-5.16) is amended to
21 read as follows:

22 11. A violation of the provisions of this act or any rules or
23 regulations adopted pursuant to this act by the corporation shall be
24 punishable by a civil penalty not exceeding \$100, in addition to
25 court costs, enforced in a summary proceeding pursuant to **["the**
26 **penalty enforcement law," N.J.S.2A:58-1 et seq.]** the "Penalty
27 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).
28 The Rules Governing the Courts of the State of New Jersey shall
29 govern the practice and procedure in such proceedings.
30 Notwithstanding any other law to the contrary, the court shall remit
31 50% of any civil penalty imposed to the corporation for use in
32 furtherance of any of the purposes of this act and 50% shall be
33 forwarded to the proper financial officer of the local government
34 entity in which the municipal, joint municipal, county-municipal, or
35 central municipal court has been established to be used for the local
36 government entity to defray the cost of operating the court and for
37 general government use.

38 (cf: P.L.1997, c.357, s.11)

39
40 15. Section 37 of P.L.2000, c.126 (C.40:23-6.53) is amended to
41 read as follows:

42 37. The governing body of any county may enter into a contract
43 with a private agency or firm for the purpose of collecting
44 delinquent fees, fines, costs, surcharges, and other penalties or
45 assessments imposed, after a final determination of guilt, by a
46 central municipal court established pursuant to subsection e. of
47 N.J.S.2B:12-1, or a county-municipal court established pursuant to
48 subsection f. of that section. The use of private agencies or firms to
49 collect delinquent fees, fines, costs, surcharges and other penalties

1 or assessments imposed by a central municipal court or county-
2 municipal court shall be in accordance with rules or procedures
3 adopted by the Supreme Court. Any such contract shall be made
4 pursuant to the provisions of the "Local Public Contracts Law,"
5 P.L.1971, c.198 (C.40A:11-1 et seq.). The governing body of any
6 county may authorize the assessment of a fee by a private agency or
7 firm not to exceed **【22%】** 22 percent of the amount collected to be
8 paid by the debtor to the private agency or firm to pay for the costs
9 of collection.

10 (cf: P.L.2009, c.233, s.2)

11
12 16. This act shall take effect on the first day of the fourth month
13 next following enactment, except that the Administrative Office of
14 the Courts may take any anticipatory administrative action in
15 advance of the effective date as shall be necessary to implement the
16 provisions of this act.

17 18 19 STATEMENT

20
21 This bill would provide for a new type of municipal court, to be
22 known as a "county-municipal court." It would have some
23 similarities in its operation to joint municipal courts that may be
24 established by two or more municipalities pursuant to subsection b.
25 of N.J.S.2B:12-1, but would be established by a county governing
26 body, and the municipalities in that county would agree, by
27 ordinance, to have violations occurring within their municipal
28 boundaries heard in the new court.

29 Any county could establish and administer a county-municipal
30 court. The new court would be an inferior court of limited
31 jurisdiction, adjudicating all matters for which a municipal court
32 currently has jurisdiction pursuant to N.J.S.2B:12-17 et seq., such
33 as violations of county and municipal ordinances, and motor vehicle
34 and traffic laws, as well as handle any criminal pretrial release and
35 pretrial detention hearings for eligible defendants conducted
36 pursuant to the criminal justice reform that took effect January 1,
37 2017 (see P.L.2014, c.31 (C.2A:162-15 et al.)) as referred by the
38 Assignment Judge for the vicinage pursuant to the Rules of Court.

39 As to the court's creation, a county would establish its new court
40 by ordinance, and that ordinance would provide an initial date on
41 which the court would begin hearing matters. The county would be
42 responsible for providing one or more suitable courtrooms,
43 chambers, offices, equipment and supplies for the county-municipal
44 court in the same county courthouse utilized by the Superior Court
45 in that county. The county could either provide for an administrator
46 and other necessary employees for the county-municipal court and
47 for their compensation, or permit, by agreement with the
48 Administrative Office of the Courts, for the court's operation by
49 employees and staff of the Superior Court located in the same

1 courthouse. All fees, fines, charges, and costs collected by the
2 county-municipal court would be the same as currently provided by
3 law for municipal courts.

4 Each municipality within a county that establishes a county-
5 municipal court would have to agree, by ordinance enacted and
6 implemented no later than two years next following the date on
7 which the new court would initially begin hearing matters, to have
8 violations occurring within its municipal boundaries heard in the
9 new court. The municipality would not be responsible for any
10 administrative costs associated with the operation and maintenance
11 of the new court. However, if a municipality failed to agree within
12 the two-year period to have violations heard by the new court, the
13 Assignment Judge of the vicinage for the county would order that
14 any violations occurring in the non-compliant municipality be heard
15 in the new court, and the municipality would be responsible for all
16 administrative costs specified in the judge's order until such time as
17 it agreed to have violations heard by that court.

18 If a municipality had previously established a municipal court,
19 the municipality would, in the ordinance joining with the county-
20 municipal court, specify a date on which the previously established
21 municipal court will be abolished and thereafter all violations heard
22 in the new court. The date set forth in the ordinance could be no
23 more than one year next following the date on which the ordinance
24 is enacted. It would not be necessary for all of the county's
25 municipalities to coordinate their court's abolishment and joining
26 with the new county-municipal court to be the same date, as the
27 new court could begin hearing matters even though less than all of
28 the municipalities of the county had abolished their municipal
29 courts and begun having cases heard in the new court.

30 On the date established by a municipality in its ordinance for
31 abolishing its previously established court and initially having
32 violations heard in the new court: (1) all causes and proceeding of
33 whatever character pending in the municipal court would be
34 transferred, along with the files for those causes and proceedings, to
35 the county-municipal court; and (2) all the functions, powers, and
36 duties conferred on the municipal court abolished by the ordinance,
37 to the extent not inconsistent with the functions, powers, and duties
38 of the county-municipal court, would be transferred to and could be
39 exercised by the county-municipal court. All files for causes and
40 proceedings not transferred to the new court, and all books, papers,
41 records, and documents, along with all office equipment,
42 furnishing, and other property of the municipal court abolished by
43 the ordinance would be disposed of by the municipality in a manner
44 set forth in that abolishing ordinance, or one or more subsequent
45 ordinances.

46 The nomination and appointment of judges of a county-
47 municipal court, being a court with jurisdiction extending to more
48 than one municipality, would be done by the Governor with the
49 advice and consent of the Senate as required by the State

1 Constitution under Article VI, Section VI, paragraph 1. Depending
2 upon the type of county government involved in the establishment
3 of the new court, either the county executive or the county
4 governing body would be authorized to submit names of judicial
5 candidates to the Governor for consideration as a potential nominee.
6 Each judge of a county-municipal court would serve for a fixed
7 term of five years. A judge could serve no more than three
8 consecutive five-year terms. If a judge was appointed to complete
9 the remainder of an unexpired term, that judge could serve no more
10 than three additional, consecutive five-year terms.

11 The county prosecutor, not municipal prosecutors, would
12 represent the State, county, or municipality in the prosecution of all
13 offenses and proceedings within the jurisdiction of a county-
14 municipal court.

15 Since the new county-municipal court would hear violations of
16 motor vehicle and traffic laws, the bill would permit an establishing
17 county to use the State's Automated Traffic System that is now
18 used by existing municipal courts to exchange information and
19 assist with court financial accounting, case processing, statistical
20 reporting services, and other components of automated municipal
21 court operations. Additionally, as to all costs, fines, fees and
22 forfeitures of bail imposed by a county-municipal court, these
23 would generally be paid to the county treasury of the county where
24 the court is located, to assist in defraying the county's cost of
25 operating the court.

26 Concerning the bill's overall intent to provide counties the
27 option of establishing county-municipal courts, and the resulting
28 shift of municipal court operations to those counties that establish
29 such courts, it is the opinion of the sponsor that the counties will be
30 able to readily leverage the revenue streams from fines, fees, and
31 other sources generated by the municipal courts being abolished
32 within the counties. Those existing revenue streams, aggregated at
33 the county level, will provide a cost-neutral funding shift to the
34 county for county-municipal court operations. The sponsor further
35 believes that permitting each county-municipal court to assist in
36 handling criminal pretrial release and pretrial detention hearings for
37 eligible defendants when assigned by the Assignment Judge for the
38 vicinage within which a county-municipal court is located will
39 assist the Superior Court, on an as needed basis, with the
40 implementation of the major criminal justice reforms that took
41 effect January 1, 2017.